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10/078,334	02/14/2002	Koichi Nakata	9333/285	7347

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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER
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YOUNG, DONALD G

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/078,334

Applicant(s)

NAKATA, KOICHI

Examiner

Donald Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/14/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

*Specification*

The abstract of the disclosure is objected to for giving extensive design details and failing to describe the disclosure sufficiently clearly to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 14-15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Kleeck et al. (USPN 5,890,122).

Regarding claim 1, Van Kleeck et al. disclose of a method for a speech input guidance device comprising:

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- detecting a device operation by a user (the process of activating the facility would inherently require the computer to detect keystrokes or mouse clicks; col. 4, lines 24-25);
- searching (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized) for a speech input executing command (available commands) corresponding to the device operation (available from a speech input guidance data accumulating unit (504); and providing (displaying) the user with searched speech input guidance (col. 4, lines 10-23 and lines 34-44).

Regarding claim 2, Van Kleeck et al. disclose of a speech input guidance device comprising:

- a device operation detecting unit (502) for detecting a device operation by a user (col. 4, lines 10-15 and lines 24-25);
- a speech input guidance data accumulating unit (509) for recording speech input guidance data (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location) for guiding the user to a command to be executed by means of speech for device operations categorized by device operation type (computer instructions are the device operations while

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the particular application program constitutes operation type;  
col. 3, lines 29-32 and col. 4, lines 10-23);

- a data searching unit (502) for searching (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized) for, and providing (displaying) speech input guidance data corresponding to, the device operation detected by said device operation detecting unit from said speech input guidance data accumulating unit; and a speech input guidance output unit (505) for providing the user with data searched by said data searching unit (col. 4, lines 10-23 and lines 34-44).

Regarding claim 3, Van Kleeck et al. disclose of a speech input guidance device wherein:

- speech input guidance output unit is provided with at least one of a guidance speech output unit (voice synthesizer) for guiding by speech, and a guidance screen display output unit (505) for showing guidance on a screen (col. 4, lines 34-40 and col. 7, lines 44-48).

Regarding claim 4, Van Kleeck et al. disclose of a speech input guidance device wherein:

- the device operation detecting unit detects at least one of a switch operation, a rotary encoder operation, a touch panel operation and a cursor operation (col. 4, lines 50-56).

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Regarding claim 14, Van Kleeck et al. disclose of a speech input guidance device wherein:

- a speech input guidance data accumulating unit (509) for recording speech input executing commands (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location) categorized by operation object (computer instructions are the device operations while the particular application program constitutes operation object; col. 3, lines 29-32 and col. 4, lines 10-23);
- a speech input guidance output request detecting unit (502) for detecting a speech input guidance output request from a user (the user activating the facility with an application program constitutes a request for speech guidance output); a data searching unit (502) for searching for and providing data (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized) in said speech input guidance data accumulating unit according to an output from said speech input guidance output request detecting unit; and a speech input guidance output unit (speech synthesizer; display) for providing speech input executing commands searched by said data searching unit as one of by a display screen and by

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speech (col. 4, lines 10-23 and lines 34-44 and col. 7, lines 44-48).

Regarding claim 15, Van Kleeck et al. disclose of a speech input Guidance device comprising:

- a speech input guidance data accumulating unit (509) for recording (a hierarchy table of available commands for each application is stored in the input facility and so inherently would have been recorded to be stored in said location) speech input executing commands for indicating an operation object (card node) and commands for a speech input for indicating the content of an operation (children nodes) while they are being associated (correspond) with each other, and when said speech input guidance output request detecting unit (502) detects (spoken command is recognized) that a user enters only one of said speech input executing command for indicating an operation object and said speech input executing command for indicating an operation content, said data searching unit (502) searches for and provides (the interface searches for and displays all of the children nodes corresponding to the recognized command as the new list of active words) a speech input executing command for indicating an operation content corresponding to the speech input executing command detected by said speech input detecting unit from said speech input guidance data accumulating unit (col. 5, lines 10-24 and col. 6, lines 6-63).

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Regarding claim 19, Van Kleeck et al. disclose of a speech input guidance device comprising:

- a speech input guidance data accumulating unit (509) for recording speech input executing commands and mutual correspondences (512 and 513) among the speech input executing commands (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location; col. 3, lines 29-32 and col. 4, lines 10-23);
- a speech input detecting unit (sound input module) for detecting/providing (receives/returns) a speech input operation by a user (col. 4, lines 57-67).

The remaining limitations of claim 19 are the same or similar to that of the limitations of claim 14 and so is rejected for the same reasons (see above).

Regarding claim 20, Van Kleeck et al. disclose of a speech input Guidance device comprising:

- a speech input executing command indicating means for specifying one of the speech input executing commands (active words) provided on the screen from said speech input guidance output unit (505; col. 4, lines 63-66); and
- a device operation means for conducting an operation (keystroke commands) specified by said speech input executing



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command indicating means (col. 4, line 66 through col. 5, line 7).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Kleeck et al. as applied to claim 2 above, and in view of Nakano et al. (USPN 4,766,529).

Regarding claim 5, Van Kleeck et al. fail to disclose expressly of providing whether or not guidance is to be conducted, and stopping guidance when the speech input guidance controlling unit provides and output for stopping. However, Nakano et al. teach a speech input guidance controlling unit (5) for providing whether or not speech input guidance is to be conducted; and the speech input guidance is stopped when the speech input guidance controlling unit (5) provides an output (compulsory stop signal) for stopping the speech input guidance (If the operator guidance control section does not detect a stop signal, guidance is conducted. In this way, the control section provides whether or not speech guidance is conducted; col. 2, lines

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62-68). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to substitute Van Kleeck et al.'s speech input guidance device with Nakano et al.'s speech input guidance controlling unit. The motivation for doing so would have been to allow for the first operation to be terminated so that another operation can begin, as taught by Nakano et al. (col. 2, lines 11-12).

Regarding claims 6,7,8 and 10, Van Kleeck et al. fail to disclose a speech input guidance controlling unit for stopping the speech input guidance when the operation of a device is detected.

However, Nakano et al. disclose a speech input guidance controlling unit for stopping the speech input guidance when the operation of a device for providing an audio output is detected, when the operation of a radio is detected, when the operation of route guidance by speech of a navigation device is detected, when route guidance for a navigation device is shown on a guidance display screen (The guidance is interrupted and stopped when a key at the key input section is depressed. Any device that produces an audio output (i.e. radio in a car, navigation system in a car) would require the depression of keys in order to conduct operation. Therefore, route guidance displayed on a screen had to undergo some ordered depression of keys in order to be outputted and displayed; col. 6, lines 52-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to substitute Van Kleeck et al.'s device for speech input guidance with Nakano et al.'s speech

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input guidance controlling unit for stopping the speech input guidance. The motivation for doing so would have been to avoid confusing the user/driver with audible commands and noise (i.e. music) at the same time.

Regarding claim 9, Van Kleeck et al. disclose of a speech input guidance device wherein:

- at least one of guidance with a screen and a confirmation sound for indicating that a speech input is available is provided when the speech input guidance is stopped (the guidance data is provided to a screen display when made available and also goes into a wait state; col. 4, lines 34-40 and col. 5, lines 7-9).

5. Claims 11-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. as applied to claim 5 and 14 above, and further in view of Cohen et al. (USPN 6,560,576).

Regarding claim 11 and 12, Nakano et al. fail to disclose recording a count of the outputs. However, Cohen et al. disclose a data recording unit for recording counts of the guidance speech outputs (played prompts) and of the guidance screen display outputs (prompts) separately (Examiner takes the position that recorded counts would be made separate since the data correlates to two different interfaces) categorized by the device operation type (prompt specific conditions) from said speech input guidance output unit (23) into the speech input guidance data accumulating unit (22), wherein said speech input guidance controlling unit (21) uses the data searching unit (21)

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to search for/receive a count of outputs corresponding to a device operation, and stops the speech input guidance when said count of outputs exceeds a predetermined number (Fig. 2; col. 9, lines 8-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to supplement Van Kleeck et al.'s and Nakano et al.'s speech input guidance device with Cohen et al.'s recording output counts. The motivation for doing so would have been to allow experienced users benefit from learning to use a system more efficiently by eliminating the superfluous repeating of prompts, as taught by Cohen et al. (col. 6, lines 8-10).

Regarding claim 17, Van Kleeck et al. fail to teach recording counts of outputs and the dates of the outputs. However, Cohen et al. teach recording at least one of the counts of outputs from the speech input guidance output unit (23) and the dates of the outputs for individual speech input executing commands, and said speech input guidance output unit changes the order (short cut active prompt) of guidance and provides it according to at least one of the counts of outputs and the dates of outputs (the reference teaches the change of order occurs in accordance with the counts of the outputs, i.e. after three sessions; col. 6, lines 25-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's to supplement Van Kleeck et al.'s speech input guidance device with Cohen et al.'s change of order of guidance. The motivation for doing so would have been to allow experienced users benefit from learning to use a system more

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efficiently by eliminating the superfluous repeating of prompts, as taught by Cohen et al. (col. 6, lines 8-10).

Regarding claim 18, claim 18 has the same or similar limitations to that of claim 11, therefore; is rejected for the same reasons (See above).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Kleeck et al. as applied to claim 14 above, and in view of White (USPN 5,386,494).

Regarding claim 16, Van Kleeck et al. teach of recording speech input executing commands into a speech input guidance data accumulating unit, but fails to disclose of providing paraphrased speech input executing commands. However, White teaches recording speech input executing commands for paraphrasing the individual speech input executing commands, and the speech input guidance output unit provides paraphrasing speech input executing commands corresponding (associated) to an entered speech input executing command (Fig. 5C; col. 8, lines 43-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to supplement Van Kleeck et al.'s speech input guidance device with White's paraphrasing of commands. The motivation for doing so would have been to allow the user to easily check whether the computer has the capability to recognize the context of a spoken command, as taught by White (col. 8, lines 48-51).

***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter: Dependent claim 13 is allowable because the prior art of record does not disclose or suggest of a speech input guidance device wherein the number of speech inputs is counted and guidance is terminated when the count of speech inputs exceeds a predetermined number. It is old and well known in prior art to terminate guidance when the number of speech outputs exceeds a predetermined number. See e.g. Cohen et al. However, the prior art does not disclose or suggest terminating the guidance according to the counts of the speech input.

8. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Nakano et al. (USPN 4,677,569) teach a computer controlled by voice input with voice operator guidance.
- Zeinstra (USPN 4,827,520) teaches a voice actuated control system for controlling vehicle accessories.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Young whose telephone number is (571) 272-8134. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (571) 272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGY

09/15/2005

  
TĀLIVALDIS IVARS ŠMITS  
PRIMARY EXAMINER